

Approved: 826 Swett

SHEB SWETT
Assistant United States Attorney

ORIGINAL

Before: HONORABLE BARBARA C. MOSES
United States Magistrate Judge
Southern District of New York

18 MAG 9 639

- - - - - x
: SEAL
: COMPLAINT
UNITED STATES OF AMERICA :
: Violation of
- v. - : 21 U.S.C. §§ 841(a)(1)
: and 841(b)(1)(C), 846
MICHAEL MCCANTS, :
: COUNTY OF OFFENSE:
Defendant. : NEW YORK
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY ASSENT, being duly sworn, deposes and says that he is a Detective with the New York City Police Department, and charges as follows:

COUNT ONE

1. On or about August 23, 2018, in the Southern District of New York and elsewhere, MICHAEL MCCANTS, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code 841(b)(1)(C).

(Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C).)

COUNT TWO

3. On or about August 30, 2018, in the Southern District of New York and elsewhere, MICHAEL MCCANTS, the defendant,

knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code 841(b)(1)(C).

(Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C).)

COUNT THREE

5. On or about September 13, 2018, in the Southern District of New York and elsewhere, MICHAEL MCCANTS, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

6. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code 841(b)(1)(C).

(Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C).)

COUNT FOUR

7. From at least on or about August 23, 2018, up to and including November 7, 2018, in the Southern District of New York and elsewhere, MICHAEL MCCANTS, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

8. It was a part and an object of the conspiracy that MICHAEL MCCANTS, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

9. The controlled substances that MICHAEL MCCANTS, the defendant, conspired to distribute and possess with intent to distribute were (i) a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C), and (ii) a quantity of mixtures and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

10. I am a Detective with the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of report and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

11. Based on my participation in this investigation and conversations with others, I have learned, among other things, the following:

a. On or about August 24, 2018, an individual died of a possible overdose at an apartment in Manhattan, New York (the "Decedent"). The Decedent's roommate ("Individual-1") told law enforcement that on August 23, 2018 the Decedent and Individual-1 had met for drinks after work. The Decedent texted a drug dealer known to Individual-1 as "Charlie Mula," who used a particular cellphone ("Cellphone-1"), to purchase narcotics. According to Individual-1, "Charlie Mula" brought seven pills that were purportedly Roxicodone pills¹ to the Decedent and Individual-1, which they purchased for \$30 per pill.

¹ Roxicodone is a brand-name prescription drug containing oxycodone.

b. After purchasing the pills, Individual-1 crushed up and snorted two pills, while the Decedent snorted three pills. Shortly thereafter, Individual-1 went to bed. The next morning, Individual-1 found the Decedent lying on the apartment couch. Individual-1 noticed that the Decedent was cold and stiff, and called 911.

c. Law enforcement obtained a call log from the Decedent's cellphone. This log shows that on August 23, 2018, the Decedent called Cellphone-1 at approximately 10:01 p.m. and received a call from Cellphone-1 at approximately 10:46 p.m. Those were the last two calls on the Decedent's cellphone. One of the remaining pills tested positive for fentanyl and weighed approximately 0.1 grams. A toxicology report indicated that the Decedent died from an overdose of fentanyl and ethanol.

d. On or about August 30, 2018, an undercover police officer ("UC-1") called Cellphone-1 pretending to be an acquaintance of the Decedent and arranged the purchase of ten pills that purportedly contained oxycodone for \$300. UC-1 subsequently met "Charlie Mula" in the vicinity of 6th Avenue and 23rd Street. At that time, UC-1 purchased seven pills for \$300. "Charlie Mula" told UC-1, in sum and substance, that "Charlie Mula" had met the Decedent by distributing his business card to the Decedent. "Charlie Mula" and the Decedent had known each other for approximately two years. The pills, each weighing approximately 0.1 grams, tested positive for fentanyl.

e. On or about September 13, 2018, UC-1 contacted "Charlie Mula" through Cellphone-1 and arranged the purchase of ten pills that purportedly contained oxycodone for \$350. UC-1 subsequently met "Charlie Mula" in the vicinity of 75th Street and Third Avenue. At that time, UC-1 purchased ten pills for \$350, and "Charlie Mula" asked UC-1 if the Decedent was in rehab. The pills, each weighing approximately 0.1 grams, subsequently tested positive for fentanyl.

f. Based on the subscriber information for Cellphone-1, as well as a review of social media accounts, law enforcement preliminarily identified MICHAEL MCCANTS, the defendant, as "Charlie Mula." On or about September 18, 2018, law enforcement showed UC-1 a six-pack photo array containing a photograph of MCCANTS. UC-1 identified MCCANTS as "Charlie Mula."

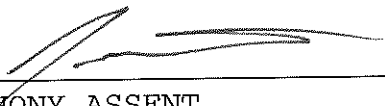
g. On or about October 17, 218, UC-1 contacted MCCANTS and arranged the purchase of twenty oxycodone pills for \$500. The following day, an associate of MCCANTS ("CC-1"), whom UC-1 had seen with MCCANTS on previous occasions, met UC-1 in the

vicinity of 8th Avenue and 58th Street and provided the pills to UC-1. UC-1 then called MCCANTS. MCCANTS stated, in sum and substance, that he was reluctant to meet UC-1 because he had been unable to confirm that the Decedent referred UC-1 to MCCANTS. The pills, each weighing approximately 0.45 grams, subsequently tested positive for oxycodone.

h. On or about November 1, 2018, UC-1 contacted MCCANTS and arranged the purchase of ten oxycodone pills for \$350. UC-1 subsequently met MCCANTS in the vicinity of Essex Street and Houston Street in Manhattan. At that time, UC-1 purchased ten pills for \$350. The pills, each weighing approximately 0.1 grams, subsequently tested positive for oxycodone.

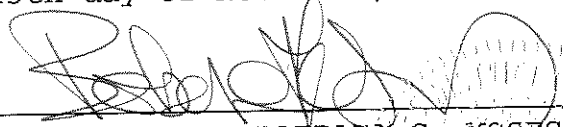
i. On or about November 7, 2018, UC-1 contacted MCCANTS through the Target Cellphone and arranged the purchase of ten oxycodone pills for \$350. UC-1 subsequently met MCCANTS in the vicinity of Essex Street and Houston Street in Manhattan. At that time, UC-1 purchased ten pills for \$350. MCCANTS asked if UC-1 had spoken with the Decedent recently.

WHEREFORE, the deponent respectfully requests that MICHAEL MCCANTS, the defendant, be imprisoned or bailed as the case may be.



ANTHONY ASSENT
Detective
New York City Police Department

Sworn to before me this
13th day of November, 2018.



THE HONORABLE BARBARA C. MOSES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK